

Substitute Bill No. 1019

January Session, 2013



AN ACT CONCERNING ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-342 of the general statutes is repealed and the

The commissioner [shall] may establish, along any tidal or inland

- 2 following is substituted in lieu thereof (*Effective October 1, 2013*):
- waterway or flood-prone area considered for stream clearance, channel 4 5 improvement or any form of flood control or flood alleviation 6 measure, lines beyond which, in the direction of the waterway or 7 flood-prone area, no obstruction, encroachment or hindrance shall be 8 placed by any person, and no such obstruction, encroachment or hindrance shall be maintained by any person unless authorized by said 10 commissioner. The commissioner shall issue or deny permits upon 11 applications for establishing such encroachments based upon his 12 findings of the effect of such proposed encroachments upon the flood-13 carrying and water storage capacity of the waterways and flood plains, 14 flood heights, hazards to life and property, and the protection and 15 preservation of the natural resources and ecosystems of the state, 16 including but not limited to ground and surface water, animal, plant

and aquatic life, nutrient exchange, and energy flow, with due

consideration given to the results of similar encroachments constructed

along the reach of waterway. Each application for a permit shall be

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- 20 accompanied by a fee as follows: (1) No change in grades and no 21 construction of above-ground structures, four hundred seventy
- dollars; (2) a change in grade and no construction of above-ground
- 23 structures, nine hundred forty dollars; and (3) a change in grade and
- 24 above-ground structures or buildings, four thousand dollars.
- Sec. 2. Section 22a-6 of the general statutes is amended by adding subsection (l) as follows (*Effective October 1, 2013*):
- 27 (NEW) (l) Notwithstanding any provision of this title, for any 28 required newspaper publication of public notice concerning a tentative 29 determination on a permit, the Commissioner of Energy and 30 Environmental Protection may provide such public notice on the 31 Internet web site of the Department of Energy and Environmental 32 Protection provided: (1) Such public notice shall remain posted on 33 such Internet web site for the duration of the entire applicable public 34 notice period, and (2) the applicable date and time and nature of the 35 opportunity for public participation shall concomitantly be published 36 with a minimum one-sixteenth page advertisement in a newspaper 37 having a general circulation in the area affected. Such advertisement 38 shall include the Internet web site address where the details of the 39 public notification can be ascertained.
- Sec. 3. Section 22a-155 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):
 - (a) [In any proceeding under sections 22a-151 to 22a-158, inclusive, or any other applicable statute (1) for the issuance or modification of rules and regulations relating to control of sources of ionizing radiation; or (2) for granting, suspending, revoking or amending any license; or (3) for determining compliance with or granting exceptions from rules and regulations of the Commissioner of Energy and Environmental Protection, the commissioner or his representative designated in writing shall hold a hearing upon the request of any person whose interest may be affected by the proceeding, and shall admit any such person as a party to such proceeding. Thirty days

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- published notice shall be given of any such hearing.] The
 Commissioner of Energy and Environmental Protection may issue,
 modify or revoke any order to correct or abate any violation of sections
 22a-148 to 22a-158, inclusive, as amended by this act, including any
 license issued pursuant to said sections and any regulation adopted
 pursuant to said sections. Any such order may include remedial
 measures that are necessary to correct or abate such violations.
 - (b) [Any final order entered in any proceeding under subsection (a) of this section shall be subject to judicial review by the Superior Court in the manner prescribed in section 25-36.] Any order issued pursuant to subsection (a) of this section shall be served by certified mail, return receipt requested, or by service by a state marshal or indifferent person. If a state marshal or indifferent person serves such order, a true copy of such order shall be served, and the original, with a return of such service endorsed thereon, shall be filed with the commissioner. Such order shall be deemed to be issued on the date of service or on the date such order is deposited in the mail, as applicable. Any order issued pursuant to subsection (a) of this section shall state the basis on which such order is issued and shall specify a reasonable time for compliance.
 - (c) Any order issued pursuant to subsection (a) of this section shall be final unless a person aggrieved by such order files a written request for a hearing before the commissioner not later than thirty days after the date of issuance of such order. Upon the receipt of any such request for a hearing, the commissioner shall hold a hearing as soon as practicable thereafter. After any such hearing, the commissioner shall consider all supporting and rebutting evidence and affirm, modify or revoke such order in the commissioner's discretion and shall so notify the recipient of the order by certified mail, return receipt requested, of the commissioner's determination.
 - (d) The commissioner may, after a hearing held pursuant to subsection (c) of this section, or at any time after the issuance of an order pursuant to subsection (a) of this section, modify such order or

- 85 extend the time for compliance with such order, provided the
- 86 <u>commissioner determines such modification or extension is advisable</u>
- 87 or necessary. Any such modification or extension shall be deemed to
- 88 <u>be a revision of the existing order and shall not constitute a new order.</u>
- 89 No person may request a hearing pursuant to subsection (c) of this
- 90 <u>section or take appeal to the Superior Court pursuant to subsection (e)</u>
- 91 of this section on such modification or extension.
- 92 (e) Any person aggrieved by a final order of the commissioner
- 93 issued pursuant to this section may appeal such order to the superior
- 94 court for the judicial district of New Britain in accordance with the
- 95 provisions of section 4-183.
- 96 Sec. 4. Section 22a-157 of the general statutes is repealed and the
- 97 following is substituted in lieu thereof (*Effective October 1, 2013*):
- No person shall use, manufacture, produce, transport, transfer,
- 99 receive, acquire, own or possess any source of ionizing radiation,
- unless exempt, licensed or registered in accordance with the provisions
- 101 of sections [22a-151] <u>22a-148</u> to 22a-158, inclusive, as amended by this
- 102 act.
- Sec. 5. (NEW) (Effective October 1, 2013) The Commissioner of
- 104 Energy and Environmental Protection may issue a cease and desist
- order in accordance with section 22a-7 of the general statutes for any
- violation of sections 22a-148 to 22a-158, inclusive, of the general
- statutes, as amended by this act, and may suspend or revoke any
- registration issued by the commissioner pursuant to section 22a-148 or
- 109 22a-150 of the general statutes, upon a showing of cause after a hearing
- 110 held in accordance with chapter 54 of the general statutes.
- 111 Sec. 6. (NEW) (Effective October 1, 2013) (a) Whenever, in the
- 112 judgment of the Commissioner of Energy and Environmental
- 113 Protection, any person has engaged in or is about to engage in any act,
- practice or omission that constitutes, or will constitute, a violation of
- any provision of chapter 446a of the general statutes, or any regulation

- adopted or order issued pursuant to chapter 446a of the general statutes, the Attorney General may, at the request of the commissioner, bring an action in the superior court for the judicial district of New Britain for an order enjoining such act, practice or omission. Such order may require remedial measures and direct compliance. Upon a showing by the commissioner that such person has engaged in or is about to engage in any such act, practice or omission, the court may issue a permanent or temporary injunction, restraining order or other order, as appropriate.
 - (b) Any action brought by the Attorney General pursuant to this section shall have precedence in the order of trial as provided in section 52-191 of the general statutes.
 - Sec. 7. (NEW) (Effective October 1, 2013) (a) Any person who, with criminal negligence, violates any provision of chapter 446a of the general statutes, including, but not limited to, any regulation, license or order adopted or issued pursuant to chapter 446a of the general statutes, or who, with criminal negligence, makes any false statement, representation or certification in any application, registration, notification or other document filed or required to be maintained pursuant to said chapter, shall be fined not more than twenty-five thousand dollars per day for each day of violation or be imprisoned not more than one year, or both. A subsequent conviction for any such violation shall carry a fine of not more than fifty thousand dollars per day for each day of violation or imprisonment for not more than two years, or both.
 - (b) Any person who knowingly makes any false statement, representation or certification in any application, registration, notification or other document filed or required to be maintained pursuant to chapter 446a of the general statutes shall be fined not more than fifty thousand dollars per day for each day of violation or be imprisoned not more than three years, or both. A subsequent conviction for any such violation shall carry a fine of not more than fifty thousand dollars per day for each day of violation or

- imprisonment for not more than ten years, or both.
- Sec. 8. Section 14-164h of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):
- 152 [(a)] The Commissioner of Motor Vehicles shall report to the joint 153 standing committee of the General Assembly having cognizance of 154 matters relating to the Department of Motor Vehicles, concerning the 155 operation of the motor vehicle emissions inspection program, not later 156 than the fifteenth business day of each month. The report shall include, 157 but not be limited to, the following information: Compliance records, 158 the number of vehicles passing and failing emissions inspections, the 159 number of vehicles receiving waivers from compliance with emission 160 standards, the number of vehicles inspected at each station, any 161 information provided by the independent contractor to the 162 Department of Motor Vehicles, enforcement proceedings employed 163 against those who fail to comply with exhaust emission standards, and 164 any problems concerning the operation of the program.
 - [(b) The Commissioner of Energy and Environmental Protection shall report to said committee concerning (1) emissions reductions resulting from the operation of the inspection program, not later than the fifteenth business day of January, April, July and October, annually, and (2) air quality in the state, not later than the first day of September, annually.]
- 171 Sec. 9. Subsection (a) of section 22a-45a of the general statutes is 172 repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):
- 174 (a) The Commissioner of Energy and Environmental Protection may 175 issue a general permit for any [minor] activity regulated under sections 176 22a-36 to 22a-45, inclusive, except for any activity covered by an 177 individual permit, when such activity is conducted by any department, 178 agency or instrumentality of the state, other than a regional or local 179 board of education, if the commissioner determines that such activity

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would cause minimal environmental effects when conducted separately and would cause only minimal cumulative environmental effects. Such activities may include routine minor maintenance and routine minor repair of existing structures; replacement of existing culverts; installation of water monitoring equipment, including but not limited to staff gauges, water recording and water quality testing devices; survey activities, including excavation of test pits and core sampling; maintenance of existing roadway sight lines; removal of sedimentation and unauthorized solid waste by hand or suction equipment; placement of erosion and sedimentation controls; extension of existing culverts and stormwater outfall pipes; and safety improvements with minimal environmental impacts within existing rights-of-way of existing roadways. Any state department, agency or instrumentality of the state, other than a regional or local board of education conducting an activity for which a general permit has been issued shall not be required to obtain an individual permit under any other provision of [said] sections 22a-36 to 22a-45, inclusive, except as provided in subsection (c) of this section. A general permit shall clearly define the activity covered thereby and may include such conditions and requirements as the commissioner deems appropriate, including but not limited to, management practices and verification and reporting requirements. The general permit may require any state department, agency or instrumentality of the state, other than a regional or local board of education, conducting any activity under the general permit to report, on a form prescribed by the commissioner, such activity to the commissioner before it shall be covered by the general permit. [The commissioner shall prepare, and shall annually amend, a list of holders of general permits under this section, which list shall be made available to the public.]

Sec. 10. Section 22a-134q of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

The Commissioner of Energy and Environmental Protection shall compile an inventory of contaminated wells and leaking underground

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- 213 storage tanks known to him. [and shall submit such inventory to the
- 214 joint standing committee of the General Assembly having cognizance
- 215 of matters relating to the environment not later than February 1, 1990,
- 216 and annually thereafter.] As used in this section, "contaminated well"
- 217 means any well that exceeds maximum levels for substances
- 218 established in the Public Health Code or action levels determined
- 219 jointly by the Commissioners of Public Health and Energy and
- 220 Environmental Protection.
- 221 Sec. 11. Subsection (a) of section 51-344a of the general statutes is
- 222 repealed and the following is substituted in lieu thereof (Effective
- 223 *October 1, 2013*):
- 224 (a) Whenever the term "judicial district of Hartford-New Britain" or
- 225 "judicial district of Hartford-New Britain at Hartford" is used or
- 226 referred to in the following sections of the general statutes, it shall be
- 227 deemed to mean or refer to the judicial district of Hartford on and after
- 228 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-
- 229 71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g,
- 230 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-
- 231 405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-
- 232 565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375,
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- 235 86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e,
- 236 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154,
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- 241 63, 22a-66h, 22a-106a, 22a-119, [22a-167,] 22a-180, 22a-182a, 22a-184,
- 242 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-227, 22a-250, 22a-
- 243 255l, 22a-276, 22a-285a, 22a-285g, 22a-285j, 22a-310, 22a-342a, 22a-344,
- 244 22a-361a, 22a-374, 22a-376, 22a-408, 22a-430, 22a-432, 22a-438, 22a-449f,
- 245 22a-449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, 29-143j, 29-158, 29-

- 246 161z, 29-323, 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, 31-
- 247 284, 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-
- 248 471a, 36a-494, 36a-587, 36a-647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-
- 249 27, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-
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- 251 226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-
- 252 776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, 42-110d, 42-
- 253 110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-
- 254 81b, 51-194, 52-146j, 53-392d and 54-211a.
- Sec. 12. Section 22a-9 of the general statutes is repealed and the
- following is substituted in lieu thereof (*Effective October 1, 2013*):
- The commissioner shall act as the official agent of the state in all
- 258 matters affecting the purposes of this title and sections 2-20a, 5-238a,
- 259 subsection (c) of section 7-131a, sections 7-131e, 7-131f, subsection (a)
- of section 7-131g, sections 7-131i, 7-131l, subsection (a) of section 10-
- 261 409, subdivisions (51) and (52) of section 12-81, subdivisions (21) and
- 262 (22) of section 12-412, subsections (a) and (b) of section 13a-94, sections
- 263 13a-142a, 13b-56, 13b-57, 14-100b, 14-164c, chapter 268, sections 16a-
- 264 103, 22-91c, 22-91e, subsections (b) and (c) of section 22a-148, section
- 265 22a-150, subdivisions (2) and (3) of section 22a-151, sections 22a-153,
- 266 22a-154, 22a-155, <u>as amended by this act</u>, [22a-156,] 22a-158, chapter
- 267 446c, sections 22a-295, 22a-300, 22a-308, 22a-416, chapters 446h to 446k,
- 268 inclusive, chapters 447 and 448, sections 23-35, 23-37a, 23-41, chapter
- 269 462, section 25-34, chapter 477, subsection (b) of section 25-128,
- subsection (a) of section 25-131, chapters 490 and 491 and sections 26-
- 271 257, 26-297, 26-303 and 47-46a, under any federal laws now or
- 272 hereafter to be enacted and as the official agent of any municipality,
- 273 district, region or authority or other recognized legal entity in
- 274 connection with the grant or advance of any federal or other funds or
- 275 credits to the state or through the state, to its political subdivisions.
- Sec. 13. Subsection (c) of section 22a-2d of the general statutes is
- 277 repealed and the following is substituted in lieu thereof (Effective
- 278 October 1, 2013):

279 (c) Wherever the words "Commissioner of Environmental 280 Protection" are used or referred to in the following sections of the 281 general statutes, the words "Commissioner of Energy and Environmental Protection" shall be substituted in lieu thereof: 3-7, 3-282 100, 4-5, 4-168, 4a-57, 4a-67d, 4b-15a, 4b-21, 5-238a, 7-121d, 7-131, 7-283 131a, 7-131d, 7-131e, 7-131f, 7-131g, 7-131i, 7-131l, 7-131t, 7-131u, 7-284 285 136h, 7-137c, 7-147, 7-151a, 7-151b, 7-245, 7-246, 7-246f, 7-247, 7-249a, 7-286 3230, 7-374, 7-487, 8-336f, 10-231b, 10-231c, 10-231d, 10-231g, 10-382, 10-388, 10-389, 10-391, 12-81, 12-81r, 12-107d, 12-217mm, 12-263m, 12-287 288 407, 12-412, 13a-80i, 13a-94, 13a-142a, 13a-142b, 13a-142e, 13a-175i, 13b-289 11a, 13b-38x, 13b-51, 13b-56, 13b-57, 13b-329, 14-21e, 14-21i, 14-21s, 14-290 65a, 14-67l, 14-80a, 14-100b, 14-164c, 14-164h, as amended by this act, 14-164i, 14-164k, 14-164o, 15-11a, 15-121, 15-125, 15-127, 15-130, 15-291 292 133a, 15-133c, 15-140a, 15-140c, 15-140d, 15-140e, 15-140f, 15-140j, 15-293 140o, 15-140u, 15-140v, 15-141, 15-142, 15-143, 15-144, 15-145, 15-149a, 15-149b, 15-150a, 15-151, 15-154, 15-154a, 15-155, 15-155d, 15-156, 15-294 295 174, 16-2, 16-11a, 16-19e, 16-19g, 16-50c, 16-50d, 16-50j, 16-261a, 16a-3, 296 16a-21a, 16a-27, 16a-35h, 16a-38k, 16a-103, 16a-106, 19a-35a, 19a-47, 297 19a-102a, 19a-330, 19a-341, 21-84b, 22-6c, 22-11h, 22-26cc, 22-81a, 22-298 91c, 22-350a, 22-358, 22a-1g, 22a-2a, 22a-5b, 22a-5c, 22a-6, as amended 299 by this act, 22a-6a, 22a-6b, 22a-6e, 22a-6f, 22a-6g, 22a-6h, 22a-6i, 22a-6j, 300 22a-6k, 22a-6l, 22a-6m, 22a-6n, 22a-6p, 22a-6s, 22a-6u, 22a-6v, 22a-6w, 301 22a-6y, 22a-6z, 22a-6aa, 22a-6bb, 22a-6cc, 22a-7a, 22a-7b, 22a-8a, 22a-10, 302 22a-13, 22a-16a, 22a-21, 22a-21b, 22a-21c, 22a-21d, 22a-21h, 22a-21j, 22a-303 22, 22a-25, 22a-26, 22a-27, 22a-27f, 22a-27l, 22a-27p, 22a-27r, 22a-27s, 304 22a-27t, 22a-27u, 22a-27v, 22a-27w, 22a-29, 22a-35a, 22a-38, 22a-42a, 305 22a-44, 22a-45a, as amended by this act, 22a-45b, 22a-45c, 22a-45d, 22a-306 47, 22a-54, 22a-54a, 22a-56a, 22a-66a, 22a-66c, 22a-66j, 22a-66k, 22a-66l, 307 22a-66y, 22a-66z, 22a-68, 22a-93, 22a-106a, 22a-109, 22a-113n, 22a-113t, 308 22a-114, 22a-115, 22a-118, 22a-122, 22a-133a, 22a-133b, 22a-133k, 22a-309 133*l*, 22a-133m, 22a-133n, 22a-133u, 22a-133v, 22a-133w, 22a-133y, 22a-310 133z, 22a-133aa, 22a-133bb, 22a-133ee, 22a-134, 22a-134e, 22a-134f, 22a-311 134g, 22a-134h, 22a-134i, 22a-134k, 22a-134l, 22a-134m, 22a-134n, 22a-312 134p, 22a-134s, 22a-135, 22a-136, 22a-137, 22a-148, 22a-149, 22a-150, 313 22a-151, 22a-153, 22a-154, 22a-155, as amended by this act, [22a-156,]

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- Sec. 14. Sections 22a-156, 22a-166 and 22a-167 of the general statutes are repealed. (*Effective October 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	22a-342
Sec. 2	October 1, 2013	22a-6
Sec. 3	October 1, 2013	22a-155
Sec. 4	October 1, 2013	22a-157
Sec. 5	October 1, 2013	New section
Sec. 6	October 1, 2013	New section
Sec. 7	October 1, 2013	New section
Sec. 8	July 1, 2013	14-164h
Sec. 9	October 1, 2013	22a-45a(a)

Sec. 10	October 1, 2013	22a-134q
Sec. 11	October 1, 2013	51-344a(a)
Sec. 12	October 1, 2013	22a-9
Sec. 13	October 1, 2013	22a-2d(c)
Sec. 14	October 1, 2013	Repealer section

Statement of Legislative Commissioners:

Sections 12 and 13 were added to conform with the repeal of section 22a-156.

ENV Joint Favorable Subst.